



**Statement by Senator Benjamin L. Cardin  
Co-Chairman  
Commission on Security and Cooperation in Europe  
Hearing on  
“Freedom of the Media and the OSCE Region”**

*August 2, 2007*

Mr. Chairman, I commend you for holding this hearing on one of the most fundamental human rights recognized by the international community in the post-World War II era.

Sadly, the deaths last fall of Radio Free Europe/Radio Liberty reporter Ogulsapar Muradova, who died under suspicious circumstances while in a Turkmenistan prison, and the apparent contract killing of Russian investigative journalist Anna Politkovskaya illustrate just how dangerous the profession of journalism can be. This year, we have witnessed the tragic murder of Turkish journalist Hrant Dink, not to mention violent attacks on journalists in Bulgaria, Croatia, and Serbia. In Kazakhstan, reporter Oralgaisha Omarshanova has been missing since late March.

There are, of course, many ways in which freedom of the media can be restricted, curtailed or impeded. One time-tested favorite of authoritarian governments is the imposition of criminal sanctions for journalistic work. The 7-year prison sentence handed down to Umida Niyazova, an Uzbekistan journalist investigating the 2005 massacre in Andijan, was particularly harsh and clearly intended to send an intimidating message to other journalists.

Occasionally, we see genuinely positive developments. In this regard, I commend efforts underway in Albania to repeal criminal defamation and insult laws, and I hope the Czech parliament will take similar steps as part of its ongoing overhaul of its penal code. But in a number of OSCE countries, improvements for media freedom remain stalled or in reverse. I am particularly concerned regarding the situation in Azerbaijan, where currently seven journalists remain imprisoned for legitimate professional activities.

Moreover, there are new challenges that must be addressed. The Internet, for example, presents extraordinary challenges. Access to YouTube was temporarily blocked in Turkey for several days this March until YouTube agreed to remove four videos that were considered to be "insulting" to Turkey's founding leader, Mustafa Kemal Ataturk. The OSCE Representative on Freedom of the Media has stated he will be monitoring implementation of a new law on the Internet, adopted after the YouTube incident, according to which it will be a punishable criminal offense to "insult the memory of Ataturk."

As a Member of the Helsinki Commission, I have long advocated that governments vigorously prosecute violent hate crimes committed against persons, communities, and their property. Not enough is being done, and I will continue to encourage OSCE governments to tackle this scourge.

At the same time, I am alarmed by instances in which so-called "hate speech" laws have been blatantly abused. In one recent case, two Georgians were charged under the Czech Republic's hate speech law for protesting, in front of the Russian Embassy in Prague, Russia's policies toward Georgia. (Thankfully, non-governmental organizations were able to successfully get these charges dropped.) In Azerbaijan, journalist Rafiq Tagi and editor Samir Sadatoglu were sentenced in May for "incitement to religious hatred" for publishing an essay discussing Islam and Christianity. Also in May, the Union of Councils for Jews in the Former Soviet Union (UCSJ) wrote to Russian authorities to protest the conviction of journalist Boris Stomakhin under Russia's hate speech law: "While UCSJ," they wrote, "does not agree with all of Mr. Stomakhin's views, we believe that his prosecution under rarely applied hate speech statutes is a case of politically motivated selective justice motivated by the fact that he violated the chief taboo in Russian politics – criticizing the Kremlin's policies in Chechnya."

Along these same lines, I am concerned by the potential misuse or abuse of laws that are nominally anti-terror laws but which, in practice, can be or are being used in ways that restrict freedom of speech or other fundamental rights. In this regard, I would add my voice to the concerns raised by a number of NGOs regarding recently adopted amendments to Russian laws which purport to combat "extremism."

Finally, I would add that although the OSCE Representative on Freedom of the Media could not be with us here today, I commend him for his detailed, thoughtful and constructive work in this field, and I hope will be able to have him join us on another occasion.